

in fewer than three months, we did not disregard below-cost sales unless there were below-cost sales of that model in each month sold. If a model was sold in three or more months, we did not disregard below-cost sales unless there were sales below cost in at least three of the months in which the model was sold.

We compared individual home market prices with the monthly COP. We tested the home market prices on the basis of the six physical criteria used for product matches, and found that, for certain models, between 10 and 90 percent of home market sales were made at below-COP prices. Since the respondent provided no indication that these sales were at prices that would permit recovery of all costs within a reasonable period of time and in the normal course of trade, we disregarded the below-cost sales for those models, if those sales were made over an extended period of time. We used the remaining above-cost sales for comparison purposes.

For certain models, we used constructed value (CV) as the basis for FMV when there were no contemporaneous home market sales of such or similar merchandise.

We calculated CV in accordance with section 773(e) of the Act. We included the cost of materials, labor, and factory overhead in our calculations. The respondent reported selling, general, and administrative expenses (SG&A) greater than the statutory minimum of 10 percent of the cost of manufacture (COM). Therefore, we used the respondent's reported SG&A expenses. The respondent reported actual profit greater than the statutory minimum of eight percent of the sum of the COM and SG&A. Therefore, we used the respondent's reported profit amounts. We adjusted the CV for warranty and credit expenses, and the lesser of home market indirect selling expenses or U.S. commissions.

No other adjustments were claimed or allowed.

Preliminary Results of the Reviews

As a result of our comparison of USP to FMV, we preliminarily determine that the following dumping margins exist for the periods of review:

Review period	Manufacturer/exporter	Margin (Percent)
3/1/90–2/28/91	Wieland	3.33
3/1/91–2/29/92	Wieland	2.07
3/1/92–2/28/93	Wieland	0.36

Any interested party may request a hearing within 10 days of publication of

this notice. Any hearing will be held 44 days after the date of publication or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of these administrative reviews, which will include the results of its analyses of issues raised in any such case briefs or hearing.

The following deposit requirements shall be effective for all shipments of the subject merchandise that are entered or withdrawn from warehouse for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed company shall be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in these reviews, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews by the Department, the cash deposit rate will be 8.87%, the all others rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 23, 1994.

Susan G. Esserman,

Assistant Secretary for Import Administration
[FR Doc. 95–347 Filed 1–5–95; 8:45 am]

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[A–549–809]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand

Correction

In notice document 94–24539 beginning on page 50568, in the issue of Tuesday, October 4, 1994, make the following corrections:

1. On page 50568, in the third column, under *Case History*, in the third paragraph, in the third line, "Asahi" should read "Awaji."

2. On page 50570, in the second column, under *Suspension of Liquidation*, after the second paragraph, under the heading "Manufacturer/Producer/Exporter," "Asahi" should read "Awaji."

Dated: December 26, 1994.

Barbara R. Stafford,

Acting Assistant Secretary for Import Administration.

[FR Doc. 95–348 Filed 1–5–95; 8:45 am]

BILLING CODE 3510-DS-M

[A–570–820]

Certain Compact Ductile Iron Waterworks Fittings and Glands From the People's Republic of China: Notice of Court Decision; Exclusion From the Application of the Antidumping Duty Order, in Part; Termination of Administrative Review in Part; and Amended Final Determination and Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to final determination of sales at less-than-fair-value, exclusion from the application of the Antidumping Duty Order, and termination of administrative review in accordance with decision upon remand.

SUMMARY: On November 15, 1994, the United States Court of International Trade (CIT) affirmed the Department's September 30, 1994, remand determination which was not contested by defendant-intervenor, The U.S. Waterworks Fittings Producers Council, *et al.*; and entered Final Judgment with prejudice. See *China National Metal Products Import and Export Corporation*

and *Sigma Corporation v. United States et al.*, Slip Op. 94-178, Ct. No. 93-09-00655 (CIT September, 1993). The remand resulted in a finding of a de minimis margin for China National Metals Import and Export Corporation (CMP) and, consequently, a negative determination of sales at less than fair value for the investigation of CMP. Therefore, CMP, as an exporter of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry, is excluded from the application of the antidumping duty order on compact ductile iron waterworks products from the People's Republic of China. Because CMP is excluded from the application of the antidumping duty order with respect to its sales of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry, we are also terminating the on-going administrative review with respect to CMP as an exporter of subject merchandise produced by these two foundries. Because no parties to the Court proceeding contested the Department's Final Redetermination, we are not publishing a Timken notice, pursuant to *Timken v. United States*, 893 F.2d 337 CAFC (1990).

EFFECTIVE DATE: January 6, 1995.

FOR FURTHER INFORMATION CONTACT: Kate Johnson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4929.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 1993, the Department published its Preliminary Determination of Sales at Less Than Fair Value: Certain Compact Ductile Iron Waterworks Fittings and Glands From the People's Republic of China (58 FR 8930) (CDIW). In that determination, the Department found CMP's weighted-average dumping margin to be 127.38 percent. Consequently, we instructed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise exported by CMP entered into U.S. Customs territory on or after February 18, 1993, the date of publication of the preliminary determination in the **Federal Register**. In the final determination, the Department found CMP's weighted-average dumping margin to be 127.38 percent. See Final Determination of Sales at Less Than Fair Value: Compact Ductile Iron Waterworks Fittings and Glands from the People's Republic of China, 58 FR 37908 (July 14, 1993). In CDIW the

Department determined that, in a nonmarket economy, ownership of an enterprise by the government provides the opportunity for the government to control the export activities of the enterprise. Given this potential to manipulate export pricing decisions, the Department determined that enterprises which were state-owned, *i.e.*, "owned by all the people," such as CMP, were ineligible for separate rates (58 FR at 37909). On September 7, 1993, the Department published an antidumping duty order in this proceeding. See Antidumping Duty Order: Certain Compact Ductile Iron Waterworks Fittings and Glands From the People's Republic of China, 58 FR 47117 (September 7, 1993).

On September 30, 1993, CMP and importer Sigma Corporation instituted an action at the CIT challenging, along with other findings, the Department's denial of a separate rate for CMP in the final less-than-fair-value determination. On May 27, 1994, all parties joined in a consent motion to the Court to remand the case to the Department, and on June 2, 1994, the Court issued its remand order. Pursuant to the Court's remand order, on September 30, 1994, the Department presented to the Court the Final Redetermination of Voluntary Remand in Compact Ductile Iron Waterworks Fittings and Glands from the People's Republic of China.

In the final redetermination, the Department reconsidered the issue of whether or not CMP, as an exporter of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry, was entitled to a separate dumping margin in light of the Department's recent decision in the Final Determination of Sales at Less than Fair Value: Silicon Carbide from the People's Republic of China, (59 FR 22585, May 2, 1994) (Silicon Carbide). In Silicon Carbide, the Department modified the separate rates policy enunciated in CDIW, and evaluated whether enterprises "owned by all the people" could receive separate rates based upon evidence submitted demonstrating that reforms by the central government had devolved control over enterprises owned by all the people. Based on that evidence and analysis, the Department determined that "ownership by all the people" does not necessarily mean that an enterprise is controlled by the government, and therefore, such an enterprise may qualify for a separate rate.

In the final redetermination of CDIW to determine whether CMP, an enterprise "owned by all the people," was entitled to receive a separate rate, the Department used the criteria

developed in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991) (Sparklers) as amplified in Silicon Carbide. Under the separate rates criteria, the Department assigns a separate rate only when an exporter can demonstrate the absence of both *de jure*¹ and *de facto*² governmental control over export activities.

Evaluating the facts for the final redetermination in CDIW in light of the separate rates policy articulated in Silicon Carbide, the Department determined that respondent CMP, as an exporter of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry, was entitled to a separate rate.

As a result of calculating a separate rate for CMP, the final weighted-average dumping margin for CMP is 0.44 percent, and is, therefore, *de minimis*, pursuant to 19 CFR 353.6(a) of the Department's regulations. Consequently, our final less-than-fair-value determination for CMP, with respect to its exports of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry, is negative.

Exclusion From the Application of the Antidumping Duty Order, in Part

Pursuant to section 735(c)(2) of the Act and 19 CFR 353.21(c), and consistent with the Final Determination of Sales at Less Than Fair Value: Certain Cased Pencils From the People's Republic of China, 59 FR 55625, 31 (November 8, 1994), we are excluding from the application of the order imports of subject merchandise that are sold by CMP and manufactured by the producers whose factors formed the basis for the *de minimis* margin. Under the NME methodology, the *de minimis* margin for each exporter is based on a comparison of the exporter's U.S. price and FMV based on the factors of production of a specific producer (which may be a different party). The

¹ Evidence supporting, though not requiring, a finding of *de jure* absence of central control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measures by the government decentralizing control of companies.

² The factors considered include: (1) Whether the export prices are set by or subject to the approval of a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses (see *Silicon Carbide*).

exclusion, therefore, applies only to subject merchandise sold by the exporter and manufactured by that specific producer, or producers. Merchandise that is sold by the exporter but manufactured by other producers will be subject to the order on *CDIW*. This is also consistent with *Jia Farn* (See, *Jia Farn Manufacturing Co., Ltd. v. United States*, Slip Op. 93-42 (March 26, 1993)), which held that exclusion of merchandise manufactured and sold by respondent did not cover merchandise sold but not manufactured by respondent. Therefore, merchandise that is sold by CMP but produced by someone other than Bin He Foundry or Song Zhuang Foundry is subject to suspension of liquidation at the "all others" cash deposit rate. In addition, if the Department has reasonable cause to believe or suspect at any time during the existence of the antidumping duty order that CMP has sold or is likely to sell the subject merchandise to the United States at less than its foreign market value, the Department may institute an administrative review of CMP under section 751(b) of the Tariff Act of 1930, as amended.

On November 25, 1994, the CIT ordered that plaintiffs' consent motion for injunction against liquidation, which was consented to by the Department and defendant-intervenor, be granted. Therefore, the effective date of CMP's exclusion from the order is retroactive to February 18, 1993, the publication date of the Preliminary Determination of Sales at Less Than Fair Value: Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof from the People's Republic of China (58 FR 8930), and the date we began suspension of liquidation for entries of the subject merchandise from the People's Republic of China.

Termination of Administrative Review

Since publication of the duty order, the Department has initiated, pursuant to section 751 of the Act, the first administrative review of the antidumping duty order. That review is examining exports of subject merchandise during the review period by CMP (as well as other exporters). (See Notice of Initiation of Administrative Review, 59 FR 51939 (October 13, 1994)). Because we are retroactively excluding CMP, as an exporter of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry, from the application of this antidumping duty order, we are also hereby terminating the administrative review with regard to imports by CMP, which are produced by

Bin He Foundry and Song Zhuang Foundry.

Termination of Suspension of Liquidation

Pursuant to section 516(e)(2) of the Act, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation of subject merchandise produced by Bin He Foundry and Song Zhuang Foundry and exported by CMP, which is entered, or withdrawn from warehouse, for consumption on or after February 18, 1993, and to proceed with liquidation of such entries without regard to antidumping duties. Additionally, the Department will instruct U.S. Customs Service to release any bond or other security with respect to entries of the subject merchandise, pursuant to section 735(c)(3)(B) of the Act.

Dated: December 29, 1994.

Barbara R. Stafford,

Acting Assistant Secretary for Import Administration.

[FR Doc. 95-349 Filed 1-5-95; 8:45 am]

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[A-570-836]

Notice of Preliminary Affirmative Determination of Critical Circumstances: Glycine From the People's Republic of China

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

EFFECTIVE DATES: January 6, 1995.

FOR FURTHER INFORMATION CONTACT: Susan Strumbel, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1442.

Preliminary Critical Circumstances Determination

The Department of Commerce ("the Department") published its preliminary determination of sales at less than fair value in this investigation on November 16, 1994 (59 FR 59211). On December 1, 1994, petitioners alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of the subject merchandise.

In accordance with 19 CFR 353.16(b)(2)(ii), when a critical circumstances allegation is filed later than 20 days before the scheduled date of the preliminary determination (as was done in this case), we must issue our preliminary determination not later

than 30 days after the allegation is submitted.

Section 733(e)(1) of the Tariff Act of 1930 Act of 1930 ("the Act") provides that the Department will determine that critical circumstances exist if:

(A)(i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

History of Dumping

Petitioners in this investigation have not provided information indicating that there are outstanding third country antidumping duty orders on glycine from the People's Republic of China ("PRC"). Additionally, the Department has been unable to determine from its sources whether or not there are third country antidumping duty orders on glycine from the PRC.

Importer Knowledge

With respect to the alternative first criterion, we have consistently determined that preliminary antidumping duty margins in excess of 25 percent on U.S. purchase price sales are sufficient to impute importer knowledge of sales at less than fair value. See, Final Determination of Sales at Less Than Fair Value: Silicon Metal from China (56 FR 18570, April 23, 1991) and Final Determination of Sales at Less Than Fair Value: Extruded Rubber Thread from Malaysia (57 FR 38465, August 25, 1992). In this investigation, the rate for all companies, based on best information available ("BIA"), was in excess of 25 percent. Therefore, we determine that importers either knew or should have known that exporters were selling glycine at less than fair value.

Massive Imports

Because we have preliminarily determined that the first statutory criterion is met for finding critical circumstances (*i.e.*, importer knowledge of sales at less than fair value), we must consider the second statutory criterion: whether imports of the merchandise have been massive over a relatively short period.

Because the potential respondents have impeded the Department's critical circumstances analysis by refusing to